

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

Acknowledged

TWP

December 4, 2012

SUPERIOR LIVESTOCK AUCTION, INC.,)
)
Appellant,) 4:12-cv-120-TWP-WGH
) DISTRICT COURT CAUSE NUMBER
vs.)
)
JAMES A. KNAUER, Chapter 11 Trustee,)
)
Appellee.)
)
)
)
<hr/> IN RE: EASTERN LIVESTOCK CO., LLC) 10-93904-BHL-11
) BANKRUPTCY COURT CASE NO.

STIPULATION OF DISMISSAL

Come now the parties hereto, appellant Superior Livestock Auction, Inc. (“Superior”) and appellee James A. Knauer, Chapter 11 Trustee (“Trustee”) and pursuant to Appellate Rule 8001(c)(2) of the Federal Rules of Bankruptcy Procedure, stipulate to dismissal of the above-captioned appeal, with prejudice, and in support hereof state:

1. This appeal was initiated by Superior by the filing of its Notice of Appeal with the Bankruptcy Court on September 7, 2012.
2. Thereafter, Superior and the Trustee, along with other parties in the bankruptcy proceedings of Eastern Livestock, LLC, reached an agreement to settle all the various disputes between them that are currently pending in the U.S. Bankruptcy Court and over which the U.S. Bankruptcy Court retains jurisdiction (the “Settlement Agreement”), subject to approval of the Settlement Agreement by the U.S. Bankruptcy Court pursuant to Fed. R. Bankr. P. 9019.
3. In furtherance of the proposed settlement, on October 23, 2012, Superior and the Trustee filed with this Court their *Joint Motion to Suspend Deadlines Pending Settlement*, which

was granted by this Court in an Order entered on October 24, 2012, suspending all deadlines in this appeal and directing the parties to file a report on the status of settlement no later than November 30, 2012.

4. The Settlement Agreement was approved by the Bankruptcy Court, pursuant to an Order entered on November 21, 2012 following a hearing on November 19, 2012.

5. The Settlement Agreement provides, in part, that within three business days following the Bankruptcy Court's approval of the Settlement Agreement, the parties shall file all pleadings necessary to dismiss or withdraw with prejudice any and all claims, appeals, pleadings, litigation and proceedings pending between the parties.

6. In furtherance of their Settlement Agreement, the parties hereby stipulate that this appeal should be dismissed, with prejudice, as evidenced by the signatures of their counsel hereto.

WHEREFORE, it is respectfully prayed that the above-captioned appeal be dismissed, with prejudice, in accordance with Appellate Rule 8001(c)(2) of the Federal Rules of Bankruptcy Procedure.

APPELLANT SUPERIOR LIVESTOCK
AUCTION, INC.

By /s/John M. Rogers
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APPELLEE JAMES A. KNAUER, Chapter 11
TRUSTEE

By /s/ Terry E. Hall
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Attorneys for James A. Knauer, Chapter 11 Trustee

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2012 a copy of the foregoing *Stipulation of Dismissal* was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system:

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/s/ John M. Rogers
John M. Rogers

I further certify that on November 30, 2012, a copy of the foregoing *Stipulation of Dismissal* was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to the following:

N/A

/s/ John M. Rogers
John M. Rogers